

REMARKS

Claims 1-3, 5-8, and 10-20 are currently pending in the application. Claims 1, 14, 19, and 20 are in independent form. Claims 1, 14, 19, and 20 have been amended in order to further clarify the invention. Support for this amendment can be found on page 7, line 17 to page 8, line 4. No new matter has been added.

Claims 1-3, 5-8, 10, and 14-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0116845 to Glover in view of U.S. Patent Nos. 5,842,179 to Beavers, et al. and 3,628,260 to Jacobsen. Specifically, the Office Action holds that Glover discloses a marked grid including specific locations 16 and a spreadsheet 22 including designations relating to the locations on the marked grid, such that each of the designations includes details regarding items located in each of the locations. However, the locations on the grid are identified by number, rather than by row and column. Beavers, et al. teaches that it was known in the art to identify locations in a grid by row and column, and therefore it would have been obvious to identify locations on the grid and corresponding spreadsheet of Glover by row and column as taught by Beavers, et al. The spreadsheet of Glover does not include a geometric grid corresponding to rows and columns. Jacobsen teaches that it was known in the art to provide a spreadsheet that physically corresponds to the grid it represents. Therefore, it would have been obvious to make the spreadsheet of Glover physically correspond to the rows and columns of a marked grid as taught by Jacobsen. Reconsideration of the rejection under 35 U.S.C. §103(a), as being unpatentable over the Glover patent application, and the Beavers, et al. and Jacobsen patents is respectfully requested.

"Obviousness 'cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting

the combination.” *In re Bell*, 991 F.2d 781, 783 (Fed. Cir. 1993) (citing *In re Fine*, 837 F.2d at 1075, 5 USPQ2d at 1598, citing *ACS Hosp. Sys. v. Montefiore Hosp.*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984)).

Glover discloses an apparatus 10 including a plurality of storage compartments 16 for storing objects therein. A master list 22 “correlates to the compartments 16” and includes a set of information relating to the identity of the item for easy retrieval within the apparatus. Glover, paragraph [0018]. The spreadsheet is not a matching dimensional arrangement corresponding to the location of items in the apparatus, but rather a description of each item so that it can be easily found upon recognition and location of the item I.D, i.e. an inventory. For example, item 6 could be found in a first column, second column, etc. of the apparatus. Thus, the spreadsheet of Glover does not provide or suggest a geometric location corresponding to an item.

Beavers, et al. discloses a rack 19 holding a plurality of boxes 21, each box 21 being divided into a plurality of positions 23a. As shown in Figure 6, each position 23a is identified by row 28 (letter) and location within the row (number 31). It was known in the art to identify locations in a grid by row and column. However, Beavers, et al. does not disclose or suggest a spreadsheet with matching dimensional arrangements corresponding to the location in the box 21. Rather, Beavers, et al., like Glover, discloses an information sheet describing the contents of a specific position 23a.

Jacobsen discloses a kit for enabling a user to mix colors to achieve a predicted color. Figure 2 shows the kit consisting of a cabinet including a base 20 and cover 22. Within the base 20 are a series of racks 26 for holding oil base pigment tubes 28. The tubes 28 of any row 30 have the same value (i.e. lightness

and darkness such as "9" in Row 1 of Table 1). Each column 32 is a different color (Y, BP, R, and G). A chart 33 having rows and columns of blocks corresponding to the rows and columns of tubes 28, as shown in Figure 2 and Table 1. The rows and columns of the chart 33 do not geometrically correspond to the tubes 28 in the racks 26. For example, Row 1, Column 1 corresponds to "Y 9/12". In other words, it is really row of value 9, column Y which corresponds to the tube of Y 9/12. There is no way to systematically identify a tube 28 within the racks 26. There is no order to columns Y, BP, R, and G. They are not a geometric designation, unlike the series 1, 2, 3... or A, B, C, etc. Identification of the color of the material contained within the tube 28 by the chart 33 is achieved by looking horizontally and comparing the order of Y, BP, R, and G written in the bottom part of the base 20, counting the position from the left or right side of the chart 33 and reading the Y, BP, R, and G written in the bottom part of the base 20 and identifying from the chart 33, and then by looking vertically by counting the position from the top or bottom of the chart 33 and counting the same in the base 20. Thus, the spreadsheet of Jacobsen does not disclose a spreadsheet including a geometric grid thereon corresponding to first and second geometric dimensions of a marked grid with a matching dimensional arrangement as required by the independent claims. Since Jacobsen does not disclose all of the elements of the independent claims, combining Jacobsen with Glover and Beavers, et al. would still not arrive at the present invention.

Furthermore, it would not be obvious to combine Jacobsen, Glover, and Beavers, et al. because there is no suggestion to perform one of the advantages of the present invention, identifying the position of an object from within a closed container. Neither Glover nor Beavers, et al. discloses a method for positionally recognizing where a compartment is from a spreadsheet. Jacobsen also does not disclose such a method. The chart 33 of Jacobsen is located inside the cover 22 of the cabinet. Because there are not any geometric dimensions of a spreadsheet

corresponding to a marked grid, only after opening the cabinet and comparing the chart 33 to the base 20 can one find a desired tube 28. This takes time and in a freezer or refrigerator can be harmful to the person searching for a sample and the samples themselves. In contradistinction, because of the geometric dimensions of the spreadsheet corresponding to a marked grid of the present invention, and the location of the spreadsheet outside of the box and rack where samples are, one can find a sample quickly and efficiently. "Knowing in advance the location of the vial in a refrigerator or a freezer saves effort of a user and minimizes loss of energy used to keep a refrigerator and a freezer at cold temperature" (see specification page 6, lines 25-27). There is no motivation in Glover, Beavers, et al. or Jacobsen, either alone or in combination, to provide a spreadsheet with corresponding geometric dimensions to a marked grid that allows quick identification of a sample. Therefore, the independent claims of the present invention requiring a spreadsheet including a geometric grid thereon corresponding to first and second geometric dimensions of a marked grid are patentable over the combination of Glover, Beavers, et al. and Jacobsen.

Since neither the cited references alone or in combination with knowledge in the art suggest the currently claimed invention, it is consequently respectfully submitted that the claims are clearly patentable over the combination, even if the combination were to be applied in opposition to applicable law, and reconsideration of the rejection is respectfully requested.

Claims 11-13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0116845 to Glover in view of U.S. Patent Nos. 5,842,179 to Beavers, et al. and 3,628,260 to Jacobsen as applied to claim 1, and further in view of U.S. Patent No. 6,352,286 to MacWilliams, et al. Specifically, the Office Action holds that Glover discloses the invention substantially as

claimed but the indicia on the grid and spreadsheet do not include a barcode. MacWilliams, et al. teaches that it was known in the art to include a barcode along with other identifying indicia, in order to make the indicia machine-readable. Therefore, it would have been obvious to provide a barcode along with the other indicia disclosed by Glover as taught by MacWilliams, et al., in order to make the indicia machine-readable. Reconsideration of the rejection under 35 U.S.C. §103(a), as being unpatentable over the Glover patent application, and the Beavers, et al., Jacobsen, and MacWilliam, et al. patents is respectfully requested.

As stated above, Glover, Beavers, et al., and Jacobsen, alone or in combination, neither disclose nor suggest the present invention and the requirement of the independent claims of a spreadsheet including a geometric grid thereon corresponding to first and second geometric dimensions of a marked grid with a matching dimensional arrangement. Combining these references with MacWilliams, et al. would still not arrive at the present invention. Since neither the cited references alone or in combination with knowledge in the art suggest the currently claimed invention, it is consequently respectfully submitted that the claims are clearly patentable over the combination, even if the combination were to be applied in opposition to applicable law, and reconsideration of the rejection is respectfully requested.

Applicant has provided as a declaration submitted herewith an example of how the invention operates with barcodes for further clarification. Each freezer has a designated name and individual bar code (see top right Freezer No: F0401MCHT – *FastFinder* Freezer Spread Sheet). A corresponding spreadsheet displays the location of a particular rack in the freezer. For example, row 1, column 1 of the spreadsheet corresponds to row 1, column 1 in the freezer. Thus, the location in the spreadsheet corresponds geometrically to the exact location in the freezer.

Contained within that cell in the spreadsheet is another barcode for the rack – R040111, which contains further information about that particular rack. Scanning the barcode for the rack goes to the *FastFinder* Rack Spread Sheet. Within the rack, boxes are listed according to their location in the rack. Box 1 is listed as being located in rack R040111 at the top of the rack and has a barcode of B11B00001 that will further detail the contents of that box. Not only does each spreadsheet contain geometrically related contents to the freezer, but the barcode allows for easy access to information within a particular position.

The remaining dependent claims are all ultimately dependent upon at least one of the independent claims discussed above. No prior art reference makes up for the deficiencies of that reference, as no prior art reference discloses the characterizing features of the independent claims as set forth above. The present invention can only be derived from the prior art through hindsight by further modifying one, if not all, of the prior art references in order to derive the positional identification capability of the independent claims. Hence, it is respectfully submitted that all depending claims are patentable over the prior art.

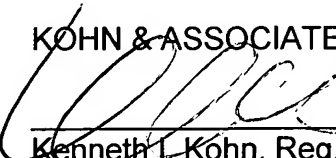
It is respectfully submitted that the present amendment places the application in condition for allowance as it removes all remaining issues in dispute. Specifically, the amendment clarifies the invention. The claims have been made no broader in scope thereby requiring no further searching and raising no new issues. In fact, all claims now include limitations of previously pending claims and were therefore previously searched. Since there is no prior art cited against any of these claims, it is respectfully submitted that all of the claims are in condition for allowance.

In view of the present amendment and foregoing remarks, reconsideration of the rejections and advancement of the case to issue are respectfully requested.

The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

Respectfully submitted,

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Connie Herty

FastFinder Freezer Spread Sheet


Inventory List


Name: F04011MCHT
 Purpose: _____
 Date: _____

Freezer No:



F04011MCHT

	1	2	3	4	5	6	7	8
1	 R040111							
2								
3								

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 Detroit, MI 48201
 Phone: (313)961-1606
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FastFinder Rack Spread Sheet

Inventory List

Name: _____

Purpose: _____

Date: _____

Rack No:



R040111



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7	<u>Box 07</u>
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